

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DARYL SAVAGE,	:	
	:	Civ. No. 15-0436 (RBK)
Petitioner,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
WARDEN J. HOLLINGSWORTH,	:	
	:	
Respondent.	:	

THIS MATTER having come before the Court on an application by petitioner for leave to proceed *in forma pauperis* on appeal, (Dkt. No. 7.) and it appearing that:

1. On February 23, 2015, this Court entered an Opinion and Order dismissing petitioner's application for a writ of habeas corpus under 28 U.S.C. § 2241. (*See* Dkt. Nos. 4-5.)

2. On March 20, 2015, petitioner filed a notice of appeal (Dkt. No. 6) and an application for leave to proceed *in forma pauperis* on appeal. (Dkt. No. 7.)

3. Rule 24 of the Federal Rules of Appellate Procedure provides that "a party to a district-court action who desires to appeal *in forma pauperis* must file a motion in the district court," and "must attach an affidavit" that:

- (A) shows in the detail prescribed by Form 4 of the Appendix of Forms the party's inability to pay or give security for fees and costs;
- (B) claims an entitlement to redress; and
- (C) states the issues that the party intends to present on appeal.

FED. R. APP. P. 24(a)(1).

4. Petitioner's application to proceed *in forma pauperis* fails to conform to the requirements of Fed.R.App.P. 24(a)(1).

5. Among other things, Form 4 of the Appendix of Forms requires petitioner to state his issues on appeal. *See* FED. R. APP. P. Appendix of Forms. Petitioner failed to state the issues

that he wishes to present on appeal in his affidavit. *See* FED. R. APP. P. 24(a)(1)(C). Further, Form 4 also requires that a prisoner attach a six month account statement certified by the appropriate institutional officer of the institution at which Petitioner is incarcerated. *See* FED. R. APP. P. Appendix of Forms. While petitioner has attached his prisoner account statement, the prisoner account statement has not been certified by the appropriate prison official. *See* 3d Cir. L. App. R. 24.1.

Therefore, for the foregoing reasons, IT IS this 10th day of April, 2015,

ORDERED that the Clerk of the Court shall re-open the file in this matter to consider petitioner's application to proceed *in forma pauperis* on appeal; and it is further

ORDERED that petitioner's application for leave to appeal *in forma pauperis* (Dkt. No. 7.) is denied without prejudice for failure to conform to the requirements set forth in Rule 24 of the Federal Rules of Appellate Procedure and the local appellate rules; and it is further

ORDERED that the Clerk of the Court shall re-close the file in this matter.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge